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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,373	07/11/2001	Terry Lynn Cole	5500-58300	1646

7590 10/18/2004

B. Noel Kivlin  
Conley, Rose, & Tayon, P.C.  
P.O. Box 398  
Austin, TX 78767

EXAMINER
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MASON, DONNA K

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/904,373

**Applicant(s)**

COLE ET AL.

**Examiner**

Donna K. Mason

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,11-19,21,23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11-19,21,23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ☐
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1, 3-7, 9, 11-19, 21, 23, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "peripheral bus" in line 10. There is insufficient antecedent basis for this limitation in the claim. Insert --the-- before "peripheral bus".
4. Claim 1 recites the limitation "the bus" in line 12. There is insufficient antecedent basis for this limitation in the claim. Insert --peripheral-- between "the" and "bus".
5. Claims 3-7, 9, and 11-13 inherit the deficiencies of claim 1.
6. Claim 14 recites the limitation "peripheral bus" in line 12. There is insufficient antecedent basis for this limitation in the claim. Insert --the-- before "peripheral bus".
7. Claim 14 recites the limitation "the bus" in line 15. There is insufficient antecedent basis for this limitation in the claim. Insert --peripheral-- between "the" and "bus".
8. Claims 15-19, 21, 23, and 25 inherit the deficiencies of claim 14.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-7, 9, 11-19, 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,012,103 to Sartore, et al. ("Sartore") in view of U.S. Patent No. 4,916,692 to Clarke, et al. ("Clarke"), and further in view of U.S. Patent No. 4,112,490 to Pohlman, et al. ("Pohlman").

With regard to claims 1, 3, 14, and 15, Sartore discloses a method including the steps of querying a peripheral bus (column 1, lines 55-66), determining the presence of a peripheral device (column 1, lines 55-60), and reading configuration information (columns 1 and 2, lines 66-67 to lines 1-3), where the reading is performed over a serial side bus, and the serial side bus is coupled to the host controller and the peripheral device (Fig. 2, item 60; column 2, lines 43-45 and column 4, lines 24-30). The steps of querying, determining, reading, and configuring are performed by a host controller coupled to the peripheral bus (column 1, lines 55-60). Furthermore, Sartore discloses that the peripheral bus is a serial bus (column 1, lines 39-40).

With regard to dependent claims 4-7 and 16-19, Sartore discloses the configuration information including "one or more" of the characteristics enumerated in claims 4 and 16, where the clocking information includes a determination of whether a peripheral clock is a master clock or a slave clock, where the configuration information is passed from the peripheral device to the host controller (column 2, lines 43-45 and column 4, lines 24-30). Sartore also discloses the host controller reading device identification information from the peripheral device, and obtaining additional

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configuration information from a lookup table (column 1, lines 66-67 to column 2, lines 1-3).

With regard to dependent claims 9 and 21, Sartore discloses storing the configuration information in a serial erasable programmable read-only memory (EPROM) (column 4, lines 21-23).

With regard to dependent claims 11-13, 23, and 25, Sartore discloses where the device identification information including includes identification and function of the peripheral device, and plug and play compatibility, and querying, determining, reading, and configuring additional peripheral devices coupled to the peripheral bus (column 2, lines 32-67 to column 3, lines 1-35).

Sartore does not expressly disclose the step of configuring the bus, where the configuring includes programming the peripheral device to use one or more timeslots, as recited in independent claims 1 and 14.

Clarke discloses the step of configuring the bus, where the configuring includes programming the peripheral device to use one or more timeslots (column 1, lines 47-68 to column 2, lines 1-39).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the step of configuring a bus in Clarke with Sartore. The suggestion or motivation for doing so would have been to optimize versatility and speed in communications over the bus (column 1, lines 11-13).

Therefore, it would have been obvious to combine Clarke with Sartore.

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With regard to independent claims 1 and 14, Sartore in view of Clarke does not expressly disclose that the method or computer system where the serial side bus is separate from the peripheral bus.

Pohlman discloses where a side serial bus is separate from a peripheral bus (Fig. 1, items 48 and 50; Fig. 2, items 48 and 50; column 5, lines 48-59).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Pohlman with Sartore in view of Clarke. The suggestion or motivation for doing so would have been to reduce the number of bi-directional information bus lines and terminals, and institute a simplified data transfer protocol between the host and the peripherals without sacrificing the capacity, speed, and flexibility of data flow within the computer system (column 1, lines 67-68 to column 2, lines 1-5).

Therefore, it would have been obvious to combine Pohlman with Sartore in view of Clarke, to obtain the invention as specified in claims 1, 3-7, 9, 11-19, 21, 23, and 25.

### ***Response to Arguments***

11. Applicant's arguments, see pages 7-9, filed September 27, 2004, with respect to claims 1, 3-7, 9, 11-19, 21, 23, and 25-27 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of U.S. Patent No. 4,112,490 to Pohlman, et al. ("Pohlman").

12. The Examiner is persuaded that *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) does not read on the facts of this case. However, Applicant is referred to MPEP 2144.04, and MPEP 2144, generally, to review the concept of using legal precedent as a source for supporting rationale.

13. Although the facts of *Dulberg* do not read on this case, Pohlman teaches providing a serial side bus separate from a peripheral bus.

### **Conclusion**

14. A shortened statutory period for reply is set to expire THREE MONTHS from the mailing date of this communication. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this communication.

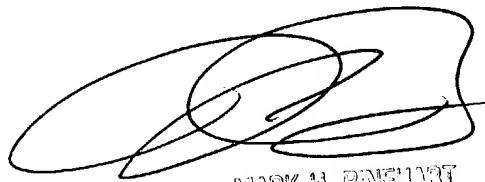
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna K. Mason whose telephone number is (571) 272-3629. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKM



MARK H. RUELOTT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100